

FIRST REGULAR SESSION

# HOUSE BILL NO. 716

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLY (141).

1747H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 167.126, RSMo, and to enact in lieu thereof one new section relating to educational services costs.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.126, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.126, to read as follows:

167.126. 1. Children who are admitted to programs or facilities of the department of mental health or whose domicile is one school district in Missouri but who reside in another school district in Missouri as a result of placement arranged by or approved by the department of mental health, the department of social services or placement arranged by or ordered by a court of competent jurisdiction shall have a right to be provided the educational services as provided by law and shall not be denied admission to any appropriate regular public school or special school district program or program operated by the state board of education, as the case may be, where the child actually resides because of such admission or placement; provided, however, that nothing in this section shall prevent the department of mental health, the department of social services or a court of competent jurisdiction from otherwise providing or procuring educational services for such child.

2. Each school district or special school district constituting the domicile of any child for whom educational services are provided or procured under this section shall pay toward the per-pupil costs for educational services for such child. A school district which is not a special school district shall pay an amount equal to the average sum produced per child by the local tax effort of the district of domicile. A special school district shall pay an amount not to exceed the average sum produced per child by the local tax efforts of the domiciliary districts.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           3. When educational services have been provided by the school district or special  
19 school district in which a child actually resides, including a child who temporarily resides in a  
20 children's hospital licensed under chapter 197 **or a psychiatric residential treatment**  
21 **facility**, for rendering health care services to children under the age of eighteen for more than  
22 three days, other than the district of domicile, the amounts as provided in subsection 2 of this  
23 section for which the domiciliary school district or special school district is responsible shall  
24 be paid by such district directly to the serving district. The school district, or special school  
25 district, as the case may be, shall send a written voucher for payment to the regular or special  
26 district constituting the domicile of the child served and the domiciliary school district or  
27 special school district receiving such voucher shall pay the district providing or procuring the  
28 services an amount not to exceed the average sum produced per child by the local tax efforts  
29 of the domiciliary districts. In the event the responsible district fails to pay the appropriate  
30 amount to the district within ninety days after a voucher is submitted, the state department of  
31 elementary and secondary education shall deduct the appropriate amount due from the next  
32 payments of any state financial aid due that district and shall pay the same to the appropriate  
33 district.

34           4. In cases where a child whose domicile is in one district is placed in programs or  
35 facilities operated by the department of mental health or resides in another district pursuant to  
36 assignment by that department or is placed by the department of social services or a court of  
37 competent jurisdiction into any type of publicly contracted residential site in Missouri, the  
38 department of elementary and secondary education shall, as soon as funds are appropriated,  
39 pay the serving district from funds appropriated for that purpose the amount by which the per-  
40 pupil costs of the educational services exceeds the amounts received from the domiciliary  
41 district except that any other state money received by the serving district by virtue of  
42 rendering such service shall reduce the balance due.

43           5. Institutions providing a place of residence for children whose parents or guardians  
44 do not reside in the district in which the institution is located shall have authority to enroll  
45 such children in a program in the district or special district in which the institution is located  
46 and such enrollment shall be subject to the provisions of subsections 2 and 3 of this section.  
47 The provisions of this subsection shall not apply to placement authorized pursuant to  
48 subsection 1 of this section or if the placement occurred for the sole purpose of enrollment in  
49 the district or special district. "Institution" as used in this subsection means a facility  
50 organized under the laws of Missouri for the purpose of providing care and treatment of  
51 juveniles.

52           6. Children residing in institutions providing a place of residence for three or more  
53 such children whose domicile is not in the state of Missouri may be admitted to schools or  
54 programs provided on a contractual basis between the school district, special district or state

55 department or agency and the proper department or agency, or persons in the state where  
56 domicile is maintained. Such contracts shall not be permitted to place any financial burden  
57 whatsoever upon the state of Missouri, its political subdivisions, school districts or taxpayers.

58 7. For purposes of this section the domicile of the child shall be the school district  
59 where the child would have been educated if the child had not been placed in a different  
60 school district. No provision of this section shall be construed to deny any child domiciled in  
61 Missouri appropriate and necessary, gratuitous public services.

62 8. For the purpose of distributing state aid under section 163.031, a child receiving  
63 educational services provided by the district in which the child actually resides, other than the  
64 district of domicile, shall be included in average daily attendance, as defined under section  
65 163.011, of the district providing the educational services for the child.

66 9. Each school district or special school district where the child actually resides, other  
67 than the district of domicile, may receive payment from the department of elementary and  
68 secondary education, in lieu of receiving the local tax effort from the domiciliary school  
69 district. Such payments from the department shall be subject to appropriation and shall only  
70 be made for children that have been placed in a school other than the domiciliary school  
71 district by a state agency or a court of competent jurisdiction and from whom excess  
72 educational costs are billed to the department of elementary and secondary education.

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